IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.149 of 2006
Date of Decision:-11.9.2006

Balbir Singh ....Petitioner

through
Mr.Vikas Chatrath, Advocate

vs.

R.S.Gujral, IAS & ors. ....Respondents

through
Mr.R.D.Sharma, DAG, Haryana

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner filed C.W.P.No.12020 of 2005 which was disposed of by this Court on August 4, 2005 with a direction to the respondents to take decision on the legal notice which he had already served upon the authorities and thereafter pass a speaking order within four months. It was further directed that "till the final decision is taken on the legal notice, no recovery shall be effected from the petitioner."

Alleging non-compliance of the aforesaid order, this contempt petition has been filed.

In response to the show cause notice, an affidavit has been filed by Mr.K.K.Khandelwal, IAS, Commissioner & Director General School Education, Haryana which is taken on record. In para 3 of the affidavit, it is stated by Mr.Khandelwal that though instructions were issued to the District Education Officer concerned not to recover any amount from the pay of the petitioner till the final order in this regard was passed, however, the District Education Officer, Yamuna Nagar forwarded

his pension case in which recovery of an amount of Rs.1,08,720/- was shown against him on account of wrong fixation of pay. It is for this reason that the Accountant General, Haryana has now withheld the release of a sum of Rs.1,08,720/-, though remaining retiral benefits have been paid to the petitioner. Along with the affidavit, the second respondent has also appended an order dated 17.4.2006 (Annexure R-2) vide which the petitioner's representation has been considered and rejected in terms of the said order, recovery sought to be effected from the petitioner on account of alleged wrong fixation of pay, is sought to be justified.

In this view of the matter, this petition is disposed of with liberty to the petitioner to impugn the above-stated speaking order before an appropriate forum, if so advised.

Rule discharged.

September 11, 2006 **(SURYA KANT)**
poonam **JUDGE**